

REMARKS/ARGUMENT

This Amendment is being filed in response to the Office Action dated July 18, 2005. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-4 are pending in this application. Claims 1 and 3 are independent claims. The specification is amended herein to correct an obvious grammatical error noted upon review of the specification.

In the Office Action, claims 1-2 are rejected under 35 U.S.C. §112, second paragraph as being indefinite due to use of the term "or" in the Claim 1. It is respectfully submitted that this change in the claim was inadvertently introduced in a previous amendment submitted on April 11, 2005. In fact, this same change was also introduced into Claim 3. Accordingly, Claims 1 and 3 are amended herein, in this respect (e.g., the term "and" in place of "or"), to be in the same form as existed prior to the April 11, 2005 amendment. Accordingly, it is respectfully submitted that the claims are now back in a proper form and an indication to that effect is respectfully requested. Further, these amendments were not performed for purposes of patentability and therefore each of the claims should have a full range of equivalents under the Doctrine of Equivalents.

PHD98097_amd_08_25_05.doc

6

Claims 1-4 are rejected under 35 U.S.C. §102(b) as anticipated by GB 2,335,002 to Rover ("Rover").

The Applicants have previously pointed out that the data carrier of Rover does not transmit its position to the information unit only in case of initialization and in case of movement of the at least one data carrier from the area. The Office Action takes the position that page 7, lines 1-23 of Rover discloses that "there must be initial communication between the data carrier and the remote stations." The Office Action then draws the conclusion that "[a]ccordingly, Rover discloses the transmission of its position and its state in case of initialization" indicating Rover, page 7, lines 8-9. (See, Office Action, page 2, lines 13-18.)

It is respectfully submitted that this reliance on Rover is misplaced. Lines 8-9 of Rover merely states that "[t]he security controller 112 sends signals indicative of its positional condition and state as defined by the navigation system 110 and the security controller 112" to a remote station 30 (see, Rover, line 10). It is clear from Rover that there must be an initial communication between the data carrier and the remote stations, as supposed in the Office Action. However, this does not require communication "only in case of initialization and in case of movement of the at

least one data carrier from the area..." as, in effect, required by each of claims 1 and 3.

As would be apparent to a person of ordinary skill in the art, an initial communication does not require communication during initialization. Initialization is a term of art that would be understood by a person of ordinary skill in the art, and further is defined in the patent application as "turn-on mode of the data carrier" (see, patent application, page 3, line 18). This is not just an initial (or first) communication that may occur at any time as in Rover.

Further, Rover makes clear that "[t]his feature provides a method of remotely controlling the vehicle 10 in the event that it has been found to be moved without authorization but has not yet left the permitted zone ..." Accordingly, clearly in Rover the security controller 112 repetitively "sends signals indicative of its positional condition" to the remote station 30 (see, Rover, page 7, lines 7-10). As taught by Rover, it is this repetitive transmission of positional signals that enables remote control of the vehicle even when it has not left a permitted zone (see, Rover, lines 13-15).

Accordingly, Rover clearly does not disclose or suggest (emphasis provided) "wherein said at least one data carrier

transmits its position to the information unit only in case of initialization and in case of movement of the at least one data carrier from the area" as required by Claim 1. Rover in fact repetitively transmits position information as should now be clear from the above discussion. Further, Rover does not disclose or suggest "transmitting new position data to the information unit only in case of initialization and in case of a negative result of the comparison of the area boundaries transmitted by the information unit with the position of the data carrier" as required by Claim 3.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1 and 3 are patentable over Rover and notice to this effect is earnestly solicited. Claims 2 and 4 respectively depend from one of Claims 1 and 3 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

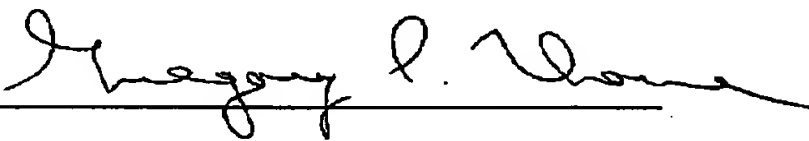
In addition, the Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. The Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations

including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
August 25, 2005

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101